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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,533

01/30/2006

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EXAMINER

MCCLELLAND, KIMBERLY KEIL

ART UNIT

PAPER NUMBER

1745

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,533	<b>Applicant(s)</b> MORIURA ET AL.	
	<b>Examiner</b> KIMBERLY K. MCCLELLAND	<b>Art Unit</b> 1745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/17/11.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,15,17,19-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,15,17,19-21,23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/12/10, 12/27/10, and 02/28/11.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/11 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 12/27/10 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the changing the capacity of the concave grooves must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. In light of the current amendment, the previous rejections of claim 22 under 35 U.S.C. 112, first and second paragraph are withdrawn.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what step is being formed in the capacity adjusting step. The specification does not specify what physical step is being performed. The drawings do not illustrate this step. It is unclear what action is being claimed. Clarification is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 5, 17, 19-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,994,053 to Lang in view of U.S. Patent No. 4,851,069 to Packard et al.

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9. With respect to claim 1, Lang discloses a method of forming a composite article device, including shifting the base sheet (12) being held on a receiving and transferring roller face (190); supplying powder particles to a concave groove of the temporary receiving roller face (14) to form the powder particle layer; transferring the powder particle layer (84) onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face (14); and bonding the base sheet (12), the powder particle layer (84) and the covering sheet (20/170) into an integral form, sheet while shifting the covering sheet in a held state on a contact-bond fixing roller face (See Figures 1, 5, 13, and 14), such that the powder particle layer transferred onto the base sheet is formed into a linear (i.e. square) shape in a shifting direction (Figure 2). Lang does not specifically the powder particle layer is shifted at a shifting speed that is less than respective speeds of the base sheet and the covering sheet.

10. Packard et al. discloses a process of making absorbent laminates, including it is known in the art that the deposition speed of the absorbent particles is a result effective variable, which controls the amount of powdered absorbent particles deposited on the substrate (column 8, lines 14-24). It would have been obvious to one of ordinary skill in the art to use a slower powdered particle feed rate as compared to the base sheet and cover sheet speeds as taught by Packard et al. in the method of Lang. The motivation would have been to reduce the amount of absorbent particle applied in the absorbent laminate.

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11. As to claim 2, Lang discloses the process for transferring the powder particle layer (84) onto the base sheet (12), includes shifting the powder particle layer being shifted in the same direction as the base sheet (See Figures 1 and 5).

12. As to claim 5, Lang discloses the powder particle layer is constituted by an absorbent resin particle layer (column 2, lines 45-47).

13. As to claim 17, Lang discloses the process for transferring the powder particle layer onto the base sheet and the process for bonding the covering sheet are carried out on the receiving and transferring roller face (14; See Figures 1 and 5).

14. As to claim 19, Lang discloses the process for transferring the powder particle layer onto the base sheet includes sealing an opening of the concave groove with a guide member (i.e. wiper blade) such that the resin particle layer is enclosed inside the concave groove (See Figures 1 and 5).

15. As to claim 20, Lang discloses a method of forming a composite article device, including shifting the base sheet (12) being held on a receiving and transferring roller face (190); supplying powder particles to a concave groove of the temporary receiving roller face (14) to form the powder particle layer; transferring the powder particle layer (84) onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face (14); and bonding the base sheet (12), the powder particle layer (84) and the covering sheet (20/170) into an integral form, sheet while shifting the covering sheet in a held state on a contact-bond fixing roller face (See Figures 1, 5, 13, and 14), such that the powder particle layer transferred onto the base sheet is formed into a linear (i.e. square) shape in a shifting direction (Figure 2). Lang does not



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specifically disclose a surface peripheral velocity of the temporary receiving roller being less than respective peripheral velocities of the contact-bond fixing roller and the receiving and transferring roller.

16. Packard et al. discloses a process of making absorbent laminates, including it is known in the art that the peripheral roller velocity of a deposition roller is a result effective variable, which controls the amount of powdered absorbent particles deposited on the substrate (column 8, lines 14-24). It would have been obvious to one of ordinary skill in the art to use a slower powdered particle feed rate as compared to the base sheet and cover sheet speeds as taught by Packard et al. in the method of Lang. The motivation would have been to reduce the amount of absorbent particle applied in the absorbent laminate.

17. As to claim 21, Lang discloses the temporary receiving roller (14) has a generally circular side profile (See Figure 1).

18. As to claim 23, Lang discloses a method of forming a composite article device, including shifting the base sheet (12) being held on a receiving and transferring roller face (190) by rotation of the receiving and transferring roller; supplying powder particles to a concave groove of the temporary receiving roller face (14) to form the powder particle layer, said powder particles being shifted while being held in a layer state as a particle powder layer within said at least one groove by rotation of said temporary receiving roller in a direction opposite to said receiving and transferring roller; transferring the powder particle layer (84) onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face (14); and bonding the base sheet

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(12), the powder particle layer (84) and the covering sheet (20/170) into an integral form, while shifting the covering sheet wound partially around a contact face of a contact-bond fixing roller (22) face facing said receiving and transferring roller by rotation of said contact-bond fixing roller in a direction opposite to said receiving and transferring roller (See Figures 1, 5, 13, and 14), such that the powder particle layer transferred onto the base sheet is formed into a linear (i.e. square) shape in a shifting direction (Figure 2). Lang does not specifically a surface peripheral velocity of the temporary receiving roller being less than respective velocities of the contact-bond fixing roller and the receiving and transferring roller.

19. Packard et al. discloses a process of making absorbent laminates, including it is known in the art that the deposition speed of the absorbent particles is a result effective variable, which controls the amount of powdered absorbent particles deposited on the substrate (column 8, lines 14-24). It would have been obvious to one of ordinary skill in the art to use a slower temporary receiving roller surface peripheral velocity, resulting in a slower powdered particle feed rate as compared to the base sheet and cover sheet speeds as taught by Packard et al. in the method of Lang. The motivation would have been to reduce the amount of absorbent particle applied in the absorbent laminate.

20. As to claim 24, Lang discloses adjusting a capacity of the at least one concave groove (i.e. wiper blade; Figures 1 and 5), which inherently changes a blurred state of the blurred pattern in the shifting direction.

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21. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,994,053 to Lang in view of U.S. Patent No. 4,851,069 to Packard et al. as applied to claims 1-2, 5, 17, 19-21, and 23-24 above, and further in view of U.S. Patent No. 5,925,439 to Haubach.

22. With respect to claim 4, Lang does not specifically disclose the process for transferring the powder particle layer onto the base sheet and the process for bonding the covering sheet are carried out on a same roller face.

23. Haubach discloses a method of forming an absorbent product, including the process for transferring the powder particle layer onto the base sheet and the process for bonding the covering sheet are carried out on a same roller face (12/ See Figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the same roller face arrangement taught by Haubach with the method of Lang. The motivation would have been to ensure accurate alignment of the powder particles between the base sheet and the covering sheet.

24. As to claim 15, Lang does not specifically disclose the sheet-shaped body manufactured by the manufacturing method according to claim 5 is sandwiched between a liquid- permeable top sheet and a liquid- impermeable back sheet to be bonded into an integral form so that the disposable absorbent article is produced.

25. Haubach discloses a method of forming an absorbent product, including the sheet-shaped body manufactured by the manufacturing method according to claim 5 (6/8/9) is sandwiched between a liquid- permeable top sheet (3/4) and a liquid- impermeable back sheet (2) to be bonded into an integral form so that the disposable

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absorbent article is produced (see Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the article construction method taught by Haubach with the sheet producing method of Lang. The motivation would have been to effectively produce a wearable absorbent article capable of absorbing liquid from a permeable surface and preventing leakage on the impermeable surface.

### ***Response to Arguments***

26. Applicant's arguments with respect to claims 1-2, 4-5, 15, 17, 19-21, and 23-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's remaining pertinent arguments are addressed below:

27. In response to applicant's argument that Lang and Packard do not specifically disclose a blurred pattern resulting from reduced powder deposition speeds, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

28. With respect to applicant's argument that the rotary brush of Packard is not equivalent to a transfer roller, examiner disagrees. Both rollers serve to "gate a rate of flow of particles", and therefore serve identical purposes. Consequently, altering the rotation of both the brush of Packard and the roller of Lang would each control the amount of particle discharged onto a base sheet, affecting the respective shifting

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velocities in each scenario. Therefore, the combination of the decreased speed taught by Packard is found to be applicable and desirable in the method of Lang.

29. As to applicant's argument that the roller brush of Packard cannot affect a shifting speed of the powder particle, this argument is not persuasive. As the roller brush of Packard serves to "gate a rate of flow of particles", it shifts the particles from one location (application position) to another (deposition position). Furthermore, if the rotational rate of the roller brush did not control a shifting speed of the powder particles, then it would be unable to affect the deposition rate, as required by Packard. Therefore, this assertion is not found to be supported by the disclosure of Packard.

30. With respect to applicant's argument that roller 190 as illustrated in figure 14 of Lang does not shift the base web (188), this argument is not persuasive. Figure 14 of Lang clearly discloses roller 190 as contacting and transporting web material 188, as evidenced by direct intimate contact of the web with the face of roller 190, and is at least partially wrapped on the roller surface due to contact with the roller. Therefore, this argument is not persuasive.

31. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

32. Consequently, applicant's arguments are not persuasive, and the rejections of claims 1-2, 4-5, 15, 17, and 19-21 and new claims 23-24 under 35 U.S.C. 103 (a) over Lang in view of various secondary references is maintained.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY K. MCCLELLAND whose telephone number is (571)272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Thr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly K McClelland/  
Examiner, Art Unit 1791

KKM